IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Kimble	)	Art Unit: 2174
Serial No.: 09/775,692	)	Examiner: Ke
Filed: February 2, 2001	)	50N3463.01
For: WEB BROWSER PLUG-IN FOR TV	)	April 14, 2007 750 B STREET, Suite 3120 San Diego, CA 92101

REPLY BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This responds to the Examiner's Answer dated April 10, 2007, which, although signed by both an SPE and an "appeals specialist", betrays a troubling lack of actual supervisory review, as opposed to rubber stamping whatever the examiner writes. Apart from the fact that the numerous typographical errors from the last Office Action have survived wholly intact in the Answer, the Answer in the latter half of page 9 continuing to page 10 alleges that Appellant argued non-analogousness when in fact the Appeal Brief contained no such argument at all; the Answer then prominently fails to address an argument Appellant did make, namely, that the present invention is not enabled by the references. In other words, the Answer addresses one argument never made by Appellant in this case while ignoring one that was made.

The reason this is troubling is because, in appealing the rejections in a patent application, patent applicants expect and indeed are entitled to more than a mere cursory review of the Answer prepared by the examiner. If the only thing that an appeals conference entails is a brief meeting in which the examiner in

essence orally makes his or her case to the conferees in the absence of the applicant, and the conferees do not then independently review the written record (as obviously they did not here), patent applicants and the Board are deprived of meaningful review of the merits of the case prior to a Board decision. Appellant does not know how the Board regards such shabby pre-appeal treatment but Appellant expects more for its money.

Turning to the merits of the Answer....there aren't any. The fact is, the examiner readily admits that Anderson et al. fails to use a transparent portion of anything at all, and Gerba et al. does not use a transparent portion in a browser as claimed. These simple facts point to the lack of a motivation to arrive at the claims, militating toward reversal.

Appellant's argument that the references fail to enable the invention has not been addressed by the conferees and accordingly the issue is conceded, militating toward reversal.

Respectfully submitted,

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